

Research Memorandum
RMB-3.28, March 29, 1962**EXCISE**ASSESSMENT OF CURRENT SOVIET POSITIONS IN THE BERLIN CRISIS:
March 22 - 28CURRENT DEVELOPMENTS

Negotiations. The statement issued on the Busk-Grumyko talks in Geneva referred to the approximately 40 hours of discussion between them as having been "useful and frank" and said that agreements and differences had been clarified and that contacts would be resumed at a later date.

The discussions revealed no significant changes in the Soviet negotiating position, but Grumyko did not attempt to convey a sense of urgency or suggest that a separate peace treaty was imminent.

Rioc commentaries continued to stress the need for bringing the issues discussed at Geneva to a summit in the near future, and Soviet spokesmen reportedly cited May 1962 as a possible date for such a session. At Geneva, however, the summit theme was soft-peddled.

Walter Ulbricht, speaking at the 15th SED plenum (March 21-23), revealed additional details on the proposed "arbitration agency" to be established after control of access is turned over to the GDR. He defined it as a four-power group in which the USSR would assume the responsibility of settling together with the GDR, any dispute between the GDR and the other three members -- the US, UK, and France. Ulbricht made establishment of the organ specifically contingent on removal of the occupation regime from West Berlin. The GDR leader was, however, more specific than Grumyko had been in defining what constituted "respect for GDR sovereignty": his formulation related it specifically to recognition of East Germany's boundaries.

Ulbricht also explained to the SED gathering that the 1961 deadline for an East German peace treaty had served its purpose by forcing the West to initiate negotiations on Berlin and Germany. He further spelt out the difference in communist usage of the terms "peace settlement" and "peace treaty," with the former covering a broad range of areas in which East-West agreement would have to be obtained prior to signature of a treaty. In addition to the settlement and treaty, Ulbricht also referred to contractual arrangements terminating the occupation status in West Berlin and regulating access modalities, both apparently envisaged as collateral agreements to the peace settlement.

The appearance of GDR Foreign Minister Bolls in Geneva, "on consultation" with Grumyko, and the communique issued during his four days there (he departed March 26) revealed nothing as to the purpose of his presence. No serious attempt was made to draw Bolls into the international assembly, and his announced activities appeared confined primarily to discussions with bloc officials present in Geneva. Upon his return to East Berlin, however, Bolls outlined to the GDR Volkskammer East Germany's proposals for a "German contribution to disarmament" which were being circulated to

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various nations. The proposals included a "moratorium on arms" (which apparently refers to arms production), reduction in the size of forces, and strict international control of these disarmament measures in "both German states." The envisaged international control organ would be staffed by NATO and Warsaw Pact representatives in equal numbers and would be supplemented by an additional group made up of representatives of both German parliaments, trade unions, and "democratic organizations" — provisions that have occurred in communist proposals since the 1920's. Bols asserted the GDR had already acted unilaterally to reduce the size of its forces by establishing a ceiling of 90,000 for its military establishment (a ceiling which has been the legal limit for the size of the GDR army for some years).

A Soviet Foreign Ministry official reportedly told a West German journalist in late February that the USSR would refrain from signing a separate peace treaty with the GDR if the West Germans agreed to direct talks with the Soviet Government.

Military Provocations and Demonstrations. Soviet planes continued to fly in the Berlin air corridors, but no significant incidents developed during the week. On March 22 eight and on March 23 two Soviet aircraft flew in the south corridor, and again two in the north corridor March 24, with all flights at altitudes below 6,500 feet. On March 26 the Soviet planes returned to higher altitudes, with three flights in the south corridor between 4,000 and 10,000 feet. The following day, six flights took place in the south corridor (at 7,000 to 10,000 feet) and four in the center route (at 3,500 to 6,500 feet.) On March 28 there were two Soviet planes in the center and six in the north corridor, all at altitudes below 3,500 feet.

On March 22 USSR fighters made identification passes at a commercial and a US military aircraft in the south corridor, passing about 500 feet and 90 feet away from the respective planes involved.

On March 24 the US, British, and French transmitted parallel notes to the USSR Foreign Ministry protesting Soviet action in the Berlin corridors and the resultant violation of air safety procedures. The notes answered the Soviet communication of February 17.

Allied military convoys on the autobahn between Berlin and the Federal Republic continued to encounter minor harassments at the Soviet checkpoints, with the Soviets continuing to insist on inspection rights, head counts, and advance notification of convoy arrivals. Few delays in clearing were experienced despite the demands.

On March 20 GDR police halted a US Potsdam Mission vehicle in the vicinity of Gotha, refused to notify the Soviet military of the action and fired at the tires of the car when the Mission personnel drove off to report the incident to the Soviets. The Vopo overtook the vehicle (immobilized with two flat tires) some miles away and detained the occupants until Soviet officers appeared considerably later. The Soviet officials apparently made no effort to notify the US Mission in Potsdam, and the tour remained incapacitated for 26 hours before assistance arrived. The Soviet officer on the scene attempted at one point to force the Americans to sign a statement to the effect that they had been apprehended for speeding, that they had been informed the Soviet commandant had been summoned and they should await his arrival, and that warning shots were fired in the air before the vehicle itself was fired upon. The Mission personnel refused to sign.

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The Allied Potsdam Missions were notified of new restricted areas within East Germany which would be off limits to Mission tours for the period March 24 to April 22. The areas involved appear to cover possible maneuver areas in the vicinity of the Czech and Polish borders.

Walter Ulbricht warned in his SED Central Committee plenum speech published March 24 that it was "not normal if NATO military personnel travel about in our capital and in our country just as on American territory."

Berlin and Germany. An additional instance of a GDR demand for transit visas from West Berliners travelling abroad was reported in the West Berlin press March 22, together with photographs of the "visa" documentation issued. The same day, GDR Deputy Foreign Minister Winzer denied that any changes had been instituted but again asserted the GDR's right to exercise passport and visa jurisdiction over traffic between West Berlin and the FRG. On March 23 West German officials were privately informed that the "transit visas" in question had been issued in error and that West Berliners would continue to be treated in the same manner as "travellers coming to the FRG." The West German Foreign Office issued a statement the same day indirectly warning the GDR that any such visa demands would lead to reconsideration of the existing international trade agreement. On March 28 the GDR Volkskammer passed the new East German customs law which is expected to provide additional legal basis for the travel documentation demands. No information as to the laws implementation is as yet available.

On March 26, the Soviet Foreign Ministry relayed to the various NATO governments a GDR note and memorandum charging the Allied Travel Office in West Berlin with interfering with freedom of movement of GDR citizens. The note stressed the GDR's "extraordinary generosity" in issuing visas and refraining from demanding visas for entry into East Berlin and proposed the recipient nations establish consular relations with the GDR. The communication also indicated the GDR intended to submit its views on the travel question to the United Nations.

Reports from Berlin indicate the newly organized railroad police (BAPD) patrolling the East German-operated railroad facilities in West Berlin are now carrying side arms while on night duty.

The Journal of the Potsdam State Archives has recently published an article by Karl Schirdewan, former GDR Politburo member ousted by Ulbricht in 1958, in which the one-time SED heir-apparent pledged his loyalty to the "policy of the SED Central Committee and its first secretary, Walter Ulbricht."

The Vatican has announced elevation of the Bishop of Breslau to the rank of archbishop as a result of Cardinal Wysinski's visit to Rome last month. The Breslau diocese, now administered "provisionally" by the Polish Church as is all of the Oder-Neisse territory, is still officially within the administrative jurisdiction of the German Catholic Church, the Vatican having as yet formally recognized no postwar territorial or boundary changes.

ASSESSMENT OF SOVIET INTENTIONS

The course of the Geneva discussions indicated the Soviets are for the present interested in continuing the negotiations and in probing the extent of US flexibility on Berlin. Meanwhile, Walter Ulbricht has been used as a vehicle to surface for public discussion the Soviet proposals on an access arbitration authority (reported last week) and spell out more fully some of its details. At the same time, Ulbricht may also have been informing his own party that the GDR was not likely to obtain total control of the Berlin access routes as it had long demanded. His words evidently were intended as a warning to SED propagandists who have in the past flatly rejected any idea of an international access authority.

The Bolz proposals and Ulbricht's speech would appear to indicate the GDR intends to revive its campaign to develop direct contacts with the FRG. The UN may also be exploited as a forum for exerting pressure on the FRG to that end.

The pattern of harassment during the past months on the Berlin access routes — in the air, on the autobahn, with train traffic, and of the movements of the Potsdam mission — indicates the Soviets intend to maintain their pressure on the Berlin scene. They evidently intend thereby to influence the West in negotiations by demonstrating its vulnerability; but their purpose may also be to achieve changes in the de facto situation, prior to a possible arrangement on the Berlin problem, so as to assure that regardless of what results from the Berlin talks, their tactical situation on the Berlin scene will have been improved. In view of the cautious GDR procedure on the transit visa issue, particularly following the FRG's implied threat of retaliation through the international trade agreement, it is not likely the GDR will implement any drastic changes in customs control or access procedures in the immediate future, despite the enactment of the customs law. It will, however, continue to develop and elaborate on the principle of its "legal" right to exercise sovereign control over the access routes.

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~~SECRET/EYES ONLY~~Special Supplement to Research Memorandum RSB-3.28

March 29, 1962

GENEVA DEVELOPMENTS

The communique issued by Secretary Rusk and Foreign Minister Gromyko on March 26 at Geneva marked the end of the most intensive series of US-Soviet talks on Berlin since 1959. While the 40-odd hours of talk revealed no significant changes in the Soviet negotiating position, it was evident that Moscow wished to continue the exchanges and was exhibiting no urgency as to the need for a "settlement."

Gromyko's careful formulation that a German peace treaty would be no mere formality, that it would entail either prior agreement with the West on Berlin or a full Allied acceptance of GDR sovereignty supported the probability that there will be no separate treaty for some time to come.

The final meetings (March 22 and March 26 Secretary Rusk and Gromyko and on March 24, 25, and 26 at the deputy level) did, however, produce suggestions of potential flexibility in the Soviet attitude toward specific elements of a Berlin arrangement. On the major topic of access, the Soviets refused to be specific on their own proposal for an "international arbitration agency" (insisting that details such as composition and voting procedures could be "worked out later"), but they probed intensively to determine how far or in what respects their proposal was of interest to the US.

Gromyko's initial, and categorical, insistence that the Soviet access proposal was contingent on the removal of Allied troops from West Berlin appeared to soften somewhat by March 26. In the final session, he altered his formulation to link the access arrangement to whatever Berlin status would finally be agreed upon. When pressed for clarification on this point, he carefully obscured his presentation but tied troop withdrawals specifically to the Soviet proposals for a Berlin status, not to the status *per se*. Gromyko's altered formulation acquired added significance from the specific statement made earlier by Deputy Foreign Minister Semenov that the Soviet access plan was linked to an agreed Berlin status, not to the Soviet proposals on that status. bias

These complex and obscure formulations seemed to point at a Soviet effort to draw a fine distinction between what the Soviets are now proposing on a Berlin status -- i.e., Western troop withdrawals -- and what the actual agreed status for West Berlin might eventually be. They thus left open a possibility of an eventual change in the Soviet demand that Allied troops must be replaced by neutral troops.

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Gromyko's indication that any arrangement on access should have the same duration as the agreed Berlin status might also imply eventual readiness to move in the direction of an interim arrangement on Berlin. (The three- to five-year limit on neutral troop presence in West Berlin specified in the Soviet paper on access could also point to this end.)

with respect to East Germany's borders, Gromyko revealed some possible relaxation of the original Soviet demands. His reference to the US formula on a non-use of force to change the present boundaries as the "minimum" to be accepted, together with his statement that a legal formalization of existing "demarcation" lines "could be worked out later" may imply eventual Soviet readiness to recede from maximum demands in this field.

There also appears to be a foreshadowing of certain shifts in the Soviet stand on Bonn-Berlin ties in Gromyko's statement that the USSR had "no opposition to special ties between West Berlin and the FRG" and that agreement was possible here. (Gromyko has been consistently non-committal on this point in his talks with Ambassador Thompson, never responding directly to assertions that only Allied action prevented the incorporation of West Berlin into the Federal Republic.) The "non-opposition" attitude could imply the Soviets are prepared to accept the existing ties in any agreed Berlin status; at the same time, however, the Soviets are likely also to attempt an exploitation of this factor in a direct approach to the FRG. (The December 27 memorandum to the FRG has already hinted as much.)

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In other respects, the Soviet performance at Geneva appeared to be a major probing action directed primarily toward determining how far the US would be willing to go in "recognizing GDR sovereignty." Gromyko's repeated remark that the US position was "not clear" probably reflects a Soviet belief that more clarification here will be required before the USSR begins serious negotiations.

GENERAL ASSESSMENT

It is apparent the Soviets remain interested in talks on Berlin and related subjects, and they probably hope to steer discussions to a summit. They have not so far made any significant departure from their insistence on terminating the "occupation status," withdrawal of Western troops, and "respect for GDR sovereignty" by which they seem to mean, *inter alia*, East German administration of access. Regarding wider issues, they appear to want recognition of frontiers including the demarcation line, a non-aggression treaty, and agreement on non-diffusion of nuclear weapons applicable specifically to Germany and drawn in such a way as to hinder plans for a NATO nuclear force.

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[On all these issues the Soviets have stated maximum positions. They undoubtedly have fall-back positions on some or all of them. They do not, however, appear likely to disclose where they are prepared to give until they have further probed our own flexibility on the issues noted above.]

It is difficult to prognosticate what the precise Soviet fall-back positions may be; however, if the Soviets can get what they regard as satisfaction on (1) non-diffusion, (2) recognition of frontiers, and (3) nonaggression, they might then soften somewhat their demands relating to Berlin, though probably not to the point of agreeing to (1) the indefinite presence of Western forces, (2) no change whatsoever in present access modalities, and (3) a formula which would make it difficult to raise the question of the "occupation status" again at a later time.

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It is difficult also to estimate how long the Soviets will persist on their effort to seek a negotiated arrangement. They probably do not have a clear idea either. In any event, they seem for the moment persuaded that it remains worth trying; that there will be a summit on these matters at some reasonably early time; and that the difficult decisions that would have to be made in the wake of continued stalemate or of failure to obtain enough of what they want can be postponed until after the top-level confrontation.

Meanwhile, it is apparent that the Soviets mean to exploit Western vulnerabilities in and on the routes to Berlin. All signs indicate intent to harass Western air traffic, possibly even to the point of seriously undermining the effectiveness of BASC; to annoy ground access and possibly make maintenance of the Military Missions impossible; and to peck away at civilian communications between West Berlin and the outside world so as increasingly to give West Berlin the de facto status of a separate sovereignty. The Soviets evidently think this kind of activity strengthens their negotiating hand and enables them to score minor, though cumulatively meaningful, subtractions from the Western position, which the West will find it difficult if not impossible to retrieve. But we continue to believe that a deliberate major incursion into Western rights or steps tantamount to a blockade of civilian communication are quite unlikely while the Soviets continue their negotiating efforts.]

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